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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 ROBERT MICHAEL JOHNSON,

9 Plaintiff,

10 vs.

11 ARNOLD SWARTZENEGGER, et al,

12 Defendants.
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No. C 06-2210 JSW (PR)

ORDER OF TRANSFER

(Docket No. 2)

14 Plaintiff is a state prisoner currently incarcerated at California State Prison-
15 Solano, located in Vacaville, California, within the venue of the United States District
16 Court for the Eastern District of California. On March 28, 2006, he filed a *pro se* civil
17 rights complaint alleging deliberate indifference to his medical needs regarding the
18 treatment he received at that facility and at Folsom State Prison.

19 However, Plaintiff's complaint was not filed in the proper district. When
20 jurisdiction is not founded solely on diversity, venue is proper in the district in which (1)
21 any defendant resides, if all of the defendants reside in the same state, (2) the district in
22 which a substantial part of the events or omissions giving rise to the claim occurred, or a
23 substantial part of property that is the subject of the action is situated, or (3) a judicial
24 district in which any defendant may be found, if there is no district in which the action
25 may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong
26 venue, the district court has the discretion either to dismiss the case or transfer it to the
27 proper federal court "in the interest of justice." 28 U.S.C. § 1406(a). Venue may be
28 raised by the court sua sponte where the defendant has not yet filed a responsive
pleading and the time for doing so has not run. *Costlow v. Weeks*, 790 F.2d 1486, 1488

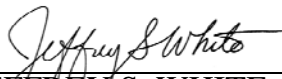
1 (9th Cir. 1986).

2 Plaintiff alleges events occurring and Defendants residing within the venue of the
3 Eastern District of California. *See* 28 U.S.C. § 84. Therefore, the Court will transfer this
4 action to the United States District Court for the Eastern District of California.

5 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. §
6 1406(a), that this action be TRANSFERRED to the United States District Court for the
7 Eastern District of California. The Clerk of the Court shall transfer this matter forthwith.
8 In light of the transfer, the Court will not resolve Plaintiff's pending motion (docket no.
9 2).

10 IT IS SO ORDERED.

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12 DATED: April 13, 2006

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14 JEFFREY S. WHITE
15 United States District Judge
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